

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. Figure 1 has been amended to add reference numerals 10 and 12 and to remove reference numeral 34.

Attachment: Replacement Sheet

Remarks

Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. Each of the rejections is addressed in light of the independent claim to which it applies.

Independent Claim 1

Independent claim 1 relates to a computer-implemented method to determine a need to hire a new employee to work within a manufacturing system. The method includes analyzing first and second plant human resource requirements that predict resources anticipated to be needed in advance of actually beginning related manufacturing processes at first and second plants. If the predicted resources indicate a deficiency at the first plant and an excess at the second plant, the method includes determining a need to hire a new employee for the first plant if an insufficient number of the excess employees at the second plant are transferrable to the first plant to cover the first plant deficiencies. The invention of claim 1 requires the analysis of multiple plant schedules and limits hiring of new employees to situations in which excessive employees at another plant cannot be used to make up for deficiencies at another plant, i.e., because the excess employees are not transferrable.

Independent Claim 1 Stands Rejected Under 35 U.S.C. § 103(a) as being unpatentable over the Herer reference. In order to properly reject independent claim 1 under 35 U.S.C. § 103(a), the Herer reference must limiting new hiring to situations in which excess employees at one plant cannot be transferred to cover deficiencies at another plant. The Herer reference fails to disclose these limitations.

The Herer reference addresses multi-location problems where employees at nearby locations can be transferred between the locations after the workload at each location is known (see page 12, ll. 6-11). The Herer reference suggests the desirability of transferring the employees from one location to another location with the assistance of public transportation.

Importantly, the Herer reference fails to verify whether the employees are actually transferable. Rather, the Herer reference assumes that the employees are transferable. The Herer reference also fails to suggest determining the need to transfer employees until after the workload at each location is known.

Because the Herer reference suggest limiting new hiring to situations in which excess employees at one plant cannot be transferred to cover deficiencies at another plant, Applicants submit that the Herer reference fails to suggest the limitations required to properly reject independent claim 1 under 35 U.S.C. § 103(a). As such, Applicants respectfully submit that independent claim 1 and claims that depend therefrom are patentable and non-obvious over the Herer reference.

Independent Claim 9

Independent claim 9 relates to a computer system that determines a need to hire a new employee to work within a manufacturing system. This system includes means for predicting, in advance of determining actual workloads, a human resource deficiency at a first plant and a human resource excess at a second plant. The system further includes means for determining a type of worker needed to cover the deficiency at the first plant and the type of worker causing the excess at the second plant. Once the type of workers are identified, the system further includes means for verifying the assessment of the worker causing the second plant human resource excess. If the workers causing the second plant human resource excess are initially identified and subsequently verified to be of a different type than the type needed at the first plant, the need to hire a new employee is determined.

Independent Claim 9 Stands Rejected Under 35 U.S.C. § 103(a) as being unpatentable over the Herer reference. In order to properly reject independent claim 9 under 35 U.S.C. § 103(a), the Herer reference must suggest assessing the type of workers causing excesses and deficiencies at multiple plants and limiting hiring of new workers to situations in which the identity of transferable employees at one plant is verified to be of a different type than that needed at another plant. The Herer reference fails to disclose these limitations.

The Herer reference discusses transferring employees between nearby locations through the use of public transportation (page 12, ll. 15-20). The Herer reference, however, fails to suggest the use of a verification process to determine whether the employees transferred. As such, Applicants respectfully submit that independent claim 9 and claims that depend therefrom are patentable and non-obvious over the Herer reference.

Independent Claim 17

Independent claim 17 relates to a computer-implemented method to determine the need to hire a new employee to work within a manufacturing system. The method includes determining a need to hire a new employee for a first plant if (i) a first plant production schedule cannot be changed to cover a first plant human resource deficiency and (ii) a second plant production schedule cannot be changed to free second plant human resources to cover the first plant human resource deficiency.

Independent Claim 17 Stands Rejected Under 35 U.S.C. §103(a) as being unpatentable over the Herer Reference and further in view of U.S.P.N. 6,393,332 to Gleditsch et al. In order to properly reject independent claim 17 under 35 U.S.C. § 103(a), the cited references must analyzing whether production schedules at one plant can be adjusted to free resources to work in another plant before determining a need to hire a new employee. The cited references fail to disclose these limitations.

The Examiner concedes the failure of the Herer reference to disclose analyzing production schedules at first and second plants and instead relies upon the Gleditsch patent. The Gleditsch patent identifies the need for timely and precise resource plans/schedules in manufacturing environments. The Gleditsch patent further points out that frequent adjustments to production schedules may be required to compensate for small changes in requirements, status, products, processes, or other constraints that may result in dramatic changes to the requirements needed to support the production schedule. (Column 3, ll. 25-35)

The Gleditsch patent discloses adjusting production schedules to meet resource availability but it fails to disclose adjusting production schedules at one plant to free resources to work in another plant before determining the need to hire a new employee. The Gleditsch patent suggests slowing production at one plant until the needed resources are received. In contrast, the present invention claims analyzing schedules at another plant in an effort to free resources to work at a first plant. The Gleditsch patent fails to suggest this inter-plant dependency. Applicants submit independent claim 17 and those claims dependent therefrom are patentable and non-obvious over the Herer reference and the Gleditsch patent.

Conclusion

In view of the foregoing, Applicants respectfully submit that each rejection has been fully replied to and traversed and the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and invited to contact the undersigned if it would further prosecution of the case to issue.

Respectfully submitted,

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